

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

PAUL LAWRENCE WASHINGTON	§	
VS.	§	CIVIL ACTION NO. 1:11CV160
MARK MARTIN	§	

MEMORANDUM ORDER PARTIALLY ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Petitioner, Paul Lawrence Washington, an inmate currently confined at FCI Beaumont Low, proceeding *pro se*, filed this petition for writ of habeas corpus contesting the legality of his conviction.

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends this action be dismissed as petitioner failed to demonstrate he was convicted of a nonexistent offense or that his grounds for review were foreclosed by circuit law when they could have been raised pursuant to *Reyes-Requena v. United States*, 243 F.3d 893 (5th Cir. 2001).

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. Although petitioner filed objections to the Report and Recommendation, he later filed a motion to dismiss. Petitioner has an absolute right to voluntarily dismiss his claims, without a court order, before the opposing party serves an answer. *See* FED. R. CIV. P. 41(a)(1). No answer has been filed by the respondent in this case. Based on the foregoing, the Report and Recommendation of United States Magistrate Judge is partially adopted to the extent it recommends dismissal of the petition.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **PARTIALLY ADOPTED**, to the extent it recommends dismissal of the petition. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

So **ORDERED** and **SIGNED** this **15** day of **September, 2011**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge